

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DOUGLAS M. MARTIN,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS & REHABILITATION,
et al.,

Defendants.

Case No.: 1:23-cv-00822 JLT SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS

(Doc. 14)

Plaintiff is proceeding *pro se* and *in forma pauperis* in this action filed pursuant to 42 U.S.C. § 1983. On October 19, 2023, the magistrate judge issued Findings and Recommendations finding Plaintiff stated a cognizable claim of deliberate indifference to his safety against Defendants Maria Flores and Omar Rubio and recommended that all other claims and Defendants be dismissed from the action for failure to state a cognizable claim for relief. (Doc. 14.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were to be filed within 14 days after service and that the failure to file timely objections may result in a waiver of rights on appeal. (Doc. 14 at 8, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) He did not file objections, and the deadline to do so has passed.

According to 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the Court conducted a *de*

1 *novo* review of this case. Having carefully reviewed the entire file, the Court concludes the
2 Findings and Recommendations are supported by the record and by proper analysis. Accordingly,
3 the Court **ORDERS**:

- 4 1. The Findings and Recommendations issued on October 19, 2023 (Doc. 14) are
5 **ADOPTED** in full.
- 6 2. This action **SHALL** proceed on Plaintiff's first amended complaint (Doc. 12) **only**
7 as to Plaintiff's Eighth Amendment claim against Defendants Maria Flores and
8 Omar Rubio for deliberate indifference to safety.
- 9 3. All other claims and Defendants are **DISMISSED** from this action for failure to
10 state claims upon which relief may be granted.
- 11 4. This action is referred to the assigned magistrate judge for further proceedings.

12
13 IT IS SO ORDERED.

14 Dated: **November 16, 2023**


UNITED STATES DISTRICT JUDGE